IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 10592 of 1999

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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BHURIYA MAHENDRAKUMAR RATANLAL - Petitioner(s)

Versus

STATE OF GUJARAT & 2 - Respondent(s)

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Appearance :

MR BM MANGUKIYA for Petitioner(s) : 1,
Ms. Archana Raval, AGP for Respondent(s) : 1 - 2.
MR DR DHIMAR for Respondent(s) : 3,

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 04/02/2006

ORAL JUDGMENT

By way of this petition under Article 226 of the Constitution of India, the petitioner has prayed for an appropriate writ, direction or order directing the respondent to forthwith consider the application submitted by the petitioner dated 11th August 1997 for

the purpose of granting loan for purchasing the vehicle.

2. An Affidavit-in-Reply is filed on behalf of the respondents. It is submitted therein that applications were invited for loans as per the advertisement dated 2.7.1997 and the said application was sent by the petitioner to the Cooperative Society known as 'Motibhugedi Milk Producers Sahakari Mandali Ltd., to the respondent No.3 Corporation and it was received by the Corporation on 4.5.1999, the same was scrutinized on 28.9.1999, and as the application of the petitioner was incomplete and not as per the advertisement the same was not accepted for the purpose of granting loan to the petitioner and the petitioner was intimated by letter dated 25.2.2000. It is also further submitted that so far as application of one Damor Rameshbhai Jivabhai is concerned the same was found to be valid as per the advertisement and therefore the loan was sanctioned in his favour. In the said affidavit-in-reply, one order passed by the learned Single Judge [Coram: M.S. Shah, J.] on 6.7.2001 in Special Civil Application No. 10009 of 1999 and other cognate matters, is relied upon.

3. The learned advocate appearing on behalf of the petitioner, while relying upon the order dated 6.7.2001 passed by the learned Single Judge in Special Civil Application No. 10009 of 1999, has

submitted that he has no objection if a similar order is passed in the present petition also. At this stage, Ms. Archana Raval, learned AGP has submitted that she is not aware whether the said scheme is in existence or not. In the facts and circumstances, the following order is passed;

"It is directed that if the petitioner approaches the respondent No.3 Corporation with necessary documents/material for removing the defects, the respondent No.3 Corporation shall consider the same and consider the petitioner's case while granting loan for any more vehicles in future in the second round provided the scheme is in existence".

4. Subject to the above direction, the petition is disposed of. Rule is made absolute to the aforesaid extent, however with no costs.

[M.R. Shah, J.]

RMR.